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HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6700 OF 2007.

Dr. Nitin Mehkarkar. ..Petitioner.

V E R S U S

University of Pune, Pune. ..Respondents.

Ms. P. V. Thorat i/b Mr. V. M. Thorat for the petitioner.
Mrs.M.G.Kulkarni for the respondents.

CORAM: S.B.MHASE & D.G.KARNIK,JJ.
DATE : OCTOBER 22, 2007.

P.C.

1. By this petition the petitioner challenges the validity of rule of the University regarding the revaluation of the marks to the effect that the change in marks on revaluation shall not be taken into consideration unless on revaluation the marks exceed by 10% or more of the maximum marks of the theory papers. The petitioner also seeks a direction to the University to declare the revaluation results of the petitioner.

2. Petitioner appeared for the M.D. (Pediatric) examination in May 2007. The result of which wee declared on 29.6.2007. The petitioner failed in the said examination. The petitioner applied for the revaluation of the marks.

3. The grievance of the petitioner is two

folds. The first grievance of the petitioner is that the result of the revaluation has not been declared by the University. However, during the pendency of the petition, the result of the revaluation have been declared by the respondent no.1 - University. Therefore, the first grievance of the petitioner does not survive.

4. As regards the second grievance of the petitioner that the rule of the University which provides that unless the marks obtained on revaluation exceed by 10% of the maximum marks of the theory paper the old marks would not be altered is invalid and therefore a direction may be issued to the University to take the marks obtained in revaluation into consideration even if they do not exceed by 10% of the maximum marks, we notice that the matter is not res-integra. It is covered by a decision of Division Bench rendered in **Yudhvir Singh v/s. Babasaheb Ambedkar Marathwada University and others reported in 1998(2) Bom. C.R. 435**. In view of the said decision the second grievance of the petitioner also does not survive. Petition is rejected summarily.

(D.G.KARNIK, J.) **(S.B.MHASE, J.)**